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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/813,765

03/31/2004

Ben P. Hu

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03/09/2007

PERKINS COIE, LLP

P.O. BOX 1247

PATENT - SEA

SEATT;E, WA 98111-1247

EXAMINER

COLLADO, CYNTHIA FRANCISCA

ART UNIT

PAPER NUMBER

3618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/813,765	Applicant(s) HU, BEN P.	
	Examiner Cynthia F. Collado	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 9, 10, 21, 22 and 28-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-20, 23-27 and 40-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/5/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant submitted an amendment dated December 4, 2006, wherein claims 1-42 remain pending in the application and claims 1-8,11-20,23-27 and 40-42 are currently under consideration. Applicant provided remarks for reconsideration.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6,11-15,19-20,23-25 and 40 rejected under 35 U.S.C. 103(a) as being unpatentable over Naderi et al (US Patent No.6, 034,355) in view of Carrillo'325 (US Patent No.6, 695,325).

Regarding claims 1 and 15, Naderi teaches the following elements:

- A body configured to be moved along a passenger aisle of the aircraft (fig 1, element 20)
- The body including a plastic shell (col 3, lines 31-36)
- The plastic shell forming a first side (88) portion and at least one of a second side portion (94)
- a top portion (26), and a bottom portion of the body (98)
- first side portion (88) is spaced apart from the second side portion (94)

- the top portion extends between the first and second side portions (86)
- the bottom portion (98) is spaced apart from the top portion (26) and extends between the first (88) and second side portions (94).

However Naderi fails to teach a cart integrally formed of one piece, nevertheless Carrillo teaches a cart integrally formed of one piece. Based on the teaching of Carrillo, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the galley cart of Naderi to be manufactured as an integrally molded one piece plastic shell as in Carrillo to keep the cost of manufacturing low, further it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the Naderi cart as a one piece integral structure, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art.

Regarding claim 2, Naderi teaches the following elements:

- first side portion (88)
- top portion (26)
- second side portion (86)

Regarding claim 3, Naderi teaches the following elements:

- first side (88)

Art Unit: 3618

- top side (26)
- second side (86)
- bottom side (98)

Regarding claims 4 and 5, Naderi teaches the following elements:

- a molded portion (col 2, lines 36-52)
- regarding claim 5, it's old and well known to use rotation molding in the one-piece plastic shell which allows formation of much thicker walls and stronger corners than injection molding alone, which makes it the preferred process

Regarding claims 6 and 25, Naderi teaches the following elements:

- an inner skin offset from an outer skin in a double wall configuration (col 6, lines 37-62)

Regarding claims 11-14, 19-20, 23, 24 and 40 Naderi teaches the following elements:

- a door with an insert molded into a one piece plastic shell (100)
- at least one hinge attached to the door (col 9, lines 33-37)
- at least one threaded insert (fig 6A)
- an interior portion having a first/second interior side (96)
- plurality of horizontal supports configured to hold food (104)
- roller means for moving means along a passenger aisle (99)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-8,16-18,26-27,41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naderi et al (US Patent No.6, 034,355) in view Saku et al'498 (US Patent No.6, 234,498).

Naderi discloses a one-piece plastic shell with a double wall but lacks the teaching of a foam core positioned between the inner and outer skins, however Saku discloses a foam core positioned in between the inner and outer skins in (figure 2, element 12). Based on the teaching of Saku, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the cart of Naderi to include the foam core positioned between the inner and outer walls of the saku so as to provide the galley cart with superior insulation in which preserves the food on the inside of the cart hot. Further, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the inner skin, the outer skin and the foam core from the same material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. In this case, it would have been obvious to form the elements using the same material to reduce manufacturing cost.

Response to Arguments

Regarding applicant's arguments filed December 4, 2006, with respect to claims 1-8,11-20,23-27 and 40-42, examiner has fully considered applicant's remarks conversely are not convincing. In regards to claims 1-6,11-15,19,20,23-25 and 40, Applicant argues the rejection of Naderi in view of Carrillo under 35 U.S.C 103 were improper because the patent application of Naderi does not disclose a cart for use on an aircraft that includes a body configured to be moved along a passenger aisle of the aircraft, however

In response to applicants arguments, the recitation that has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. Therefore, the 103 rejection is proper and maintained.

In response to Applicants argument that there is no suggestion to combine the references, the examiner recognizes that the references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. However there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken, as a whole would suggest to one of ordinary skill in the art. References are evaluated by what they

suggest to one versed in the art, rather than by their specific disclosures. Therefore, the 103 rejections is proper and maintained.

In response to applicants arguments that neither of the references disclose or suggest a galley cart for use on an aircraft to be moved along a passenger aisle, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

In response to applicants arguments that the reference does not teach a one piece plastic shell, the provision of a cart made of a one piece shell would have been obvious to one having ordinary skill in the art at the time the invention was made to form the Naderi cart as a one piece integral structure, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art.

In response to applicant's arguments regarding claims 11 and 12, Naderi in figure 5 clearly shows a door (100) hinged to the cart.

In response to applicant's arguments regarding claims 15 and 24 that defines an inner skin offset from the outer skin in a double wall configuration, applicants attention is directed to the interior wall (97) discussed and column 8 lines 13-21.

In response to applicants arguments regarding the horizontal supports see the supports/stations (104) clearly depicted in figure 5.

In response to applicant arguments regarding the use of the of elements formed from the same material, it would have been obvious to one having ordinary skill in the art at

Art Unit: 3618

the time the invention was made to form the inner skin, the outer skin and the foam core from the same material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. In this case, it would have been obvious to form the elements using the same material to reduce manufacturing cost.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

De Vogel et al. shows a food storage cart with thermal wall formed as a one-piece structure.

Miller shows a serving cart.

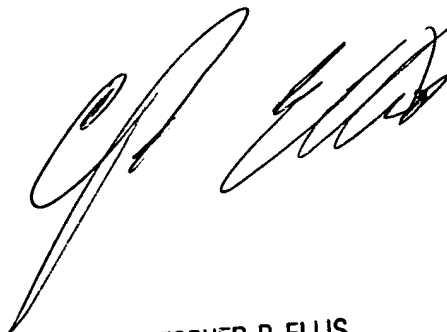
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia F. Collado whose telephone number is (571)2728315. The examiner can normally be reached on mon-fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571)2726914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CFC
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